

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

IVERY SHEREE MOSLEY, individually and on behalf of all others similarly situated, Plaintiff, v. THE PHILADELPHIA INQUIRER, PBC, Defendant.	Case No. 2:24-cv-02106 CLASS ACTION JURY TRIAL DEMANDED
STEVEN HASSELL, individually and on behalf of all others similarly situated, Plaintiff, v. THE PHILADELPHIA INQUIRER, LLC, Defendants.	Case No. 2:24-cv-2499 CLASS ACTION JURY TRIAL DEMANDED
CHRISTOPHER DEVINE, individually and on behalf of all others similarly situated, Plaintiff, v. THE PHILADELPHIA INQUIRER, LLC, Defendant.	Case No. 2:24-cv-2503 CLASS ACTION JURY TRIAL DEMANDED

PLAINTIFFS' UNOPPOSED MOTION TO CONSOLIDATE CASES

Plaintiffs Ivery Sheree Mosley, Steven Hassell and Christopher Devine (collectively, “Plaintiffs”) respectfully request that the Court consolidate the above-captioned actions pursuant to Fed. R. Civ. P. 42(a) under the caption of the first-filed *Mosley* docket, No. 2:24-cv-02106; change the name of these consolidated matters to *In re Philadelphia Inquirer Data Security Litigation*; and administratively close the *Hassell* and *Devine* matters.

Consolidation of the above-captioned actions is appropriate because they arise from the same event—a data security incident beginning on or about May 11, 2023 that impacted Defendant The Philadelphia Inquirer, LLC (the “Security Incident”).

There are three putative class actions pending in this Court related to the Security Incident:

1. *Mosley v. The Philadelphia Inquirer, LLC*, No. 2:24-cv-02106, filed in this Court on May 16, 2024;
2. *Hassell v. The Philadelphia Inquirer, LLC*, , filed in the Court of Common Pleas of Philadelphia County, Pennsylvania, No. 240500800 on May 6, 2024 and subsequently removed to this Court (and assigned docket no. 2:24-cv-02499).
3. *Devine v. The Philadelphia Inquirer, LLC*, filed in the Court of Common Pleas of Philadelphia County, Pennsylvania, No. 240500884 on May 17, 2024 and subsequently removed to this Court (and assigned docket no. 2:24-cv-02503).

Rule 42(a) of the Federal Rules of Civil Procedure provides:

If actions before the court involve a common question of law or fact, the court may: (1) join for hearing or trial any or all matters at issue in the actions; (2) consolidate the actions; or (3) issue any other orders to avoid unnecessary cost or delay.

Fed. R. Civ. P. 42(a). The Rule “...confers upon a district court broad power, whether at the request of a party or upon its own initiate, to consolidate causes for trial as may facilitate the administration of justice.” *Cartee-Haring v. Cent. Bucks Sch. Dist.*, Case No. 20-cv-1995, 2021 WL 5506419, at

*1 (E.D. Pa. Nov. 24, 2021) (quoting *Ellerman Lines, Ltd. v. Atlantic & Gulf Stevedores, Inc.*, 339 F. 2d 673, 675-76 (3d Cir. 1964)). Courts routinely consolidate overlapping data breach class actions that arise out of the same set of facts. *See e.g., Meyers v. Onix Grp., LLC*, No. CV 23-2288-KSM, 2023 WL 4630674, at *1 (E.D. Pa. July 19, 2023) (consolidating multiple data breach class actions pursuant to Fed. R. Civ. P. 42); *Gravley, Sr. v. Fresenius Vascular Care, Inc. d/b/a Azura Vascular Care*, Case No. 2:24-cv-01148-MMB (E.D. Pa. Apr. 30, 2024) (same); *Collins v. Rutter's Inc.*, Case No. 1:20-cv-00382, 2020 U.S. Dist. LEXIS 52214, at *6 (M.D. Pa. Mar. 26, 2020) (same).

The complaints in each of the above-captioned cases assert multiple common causes of action against the same common defendant—the Philadelphia Inquirer—related to the same event – the Security Incident. As such, Plaintiffs respectfully request that the Court enter the proposed order submitted herewith consolidating these cases. Counsel for the Defendants does not oppose this requested relief.

Respectfully Submitted,

Dated July 19, 2024

/s/ Benjamin F. Johns
 Benjamin F. Johns (PA I.D. #201373)
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*Pro Hac Vice application forthcoming

Attorneys for the Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that on this 19th day of July 2024, I served the foregoing document upon all parties of record in this proceeding via the Court's ECF system.

/s/ Benjamin F. Johns
Benjamin F. Johns